

REMARKS

Claims 1, 2 and 4-26 are the pending claims, of which Claims 1, 8, 9, 12 and 16 are independent. Claim 1 has been amended. No new matter is presented. Reconsideration and further examination are respectfully requested in light of the foregoing amendments and following remarks.

Claims 1, 2 and 4-26 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,760,916 (Holtz), U.S. Patent No. 7,111,009 (Gupta) and U.S Publication No. 2001/0041053 (Abecassis). Reconsideration and withdrawal of the rejection are respectfully requested.

In the method of Claim 1, a link in a browser at a user computer comprises streaming media content identification information and a streaming advertisement parameter, the streaming advertisement parameter specifying a position of a streaming advertisement in a content stream comprising the streaming media content. In response to selection of the link, a frame set is built in a window of the browser, the frame set comprises a media player frame to experience streaming content from a media player executing at the user computer and a data frame. In further response to selection of the link, a request for a playlist is made at the user computer to a source on a network. The request includes the link's streaming media content identification information and the link's streaming advertisement parameter. A playlist is received in response to the request. The playlist's contents comprise a reference identifying the streaming media content in accordance with the link's streaming media content identification information. The playlist or the content stream includes an indicator that indicates when the streaming advertisement should be played in relation to the streaming media content in the content stream in accordance with the link's streaming advertisement parameter. The user computer receives the streaming advertisement and the streaming media content in accordance with the playlist's contents. HTML content related to the content stream is received, and the content stream is simultaneously played in the media player frame as the HTML content is displayed in the data frame.

Claim 1 recites a link in a browser at a user computer, the link comprising streaming media content identification information and a streaming advertisement parameter, the streaming advertisement parameter specifying a position of a streaming advertisement in a content stream

comprising the streaming media content, and in response to selection of the link a frame set is built in a window of the browser and a request for a playlist is made at the user computer to a source on a network, the request includes the link's streaming media content identification information and the link's streaming advertisement parameter; and the playlist is received, in response to the request, which playlist includes a reference identifying the streaming media content in accordance with the link's streaming media content identification information, the playlist or the content stream includes an indicator that indicates when the streaming advertisement should be played in relation to the streaming media content in the content stream in accordance with the link's streaming advertisement parameter.

Independent claim 1 recites, in part:

... the link comprising streaming media content identification information and a streaming advertisement parameter, said streaming advertisement parameter specifying a position of a streaming advertisement in a content stream comprising said streaming media content;

The Office Action states that neither Snyder nor Gupta disclose the above claim element and relies on Abecassis as curing the deficiencies of Snyder and Gupta. It is respectfully submitted that Abecassis does not cure the deficiencies of Snyder and Gupta. The Office Action specifically refers to Paragraph [0385] of Abecassis. Paragraph [00385] of Abecassis describes viewing an advertisement and compensating a viewer for the viewing of the advertisement:

[0385] A random access pointcast architecture provides the means for a viewer to select and retrieve a desired advertisement, and provides the means to compensate the viewer for the verified apparent viewing of the advertisement. Such a system provides a closer match between the viewer's interest and the object of the advertisement, and further increases the potential purchase by the viewer of the promoted product or service, than a system directed to an inclusion/exclusion determination.

Applicant respectfully submits that this paragraph of Abecassis discloses advertisements but does not teach or suggest a link comprising a streaming advertisement parameter specifying a position of a streaming advertisement in a content stream comprising streaming media content, as claimed. There is no discussion of a streaming advertisement parameter specifying a position of a streaming advertisement in this paragraph of Abecassis. Further, the Office Action states that Snyder (Holtz) discloses this with its advertisement's time code stamps. Applicant respectfully submits that Snyder's time code stamps are times for its clips / segments. Snyder

does not disclose a link comprising a streaming advertisement parameter specifying a position of a streaming advertisement, as claimed. Snyder's clips having time code stamps are not a link comprising a parameter specifying a position of a streaming advertisement. The Office Action states (Page 3) that Snyder's icons are the same as the claimed links. Applicant respectfully disagrees, as Snyder does not teach or suggest that its icons comprise a streaming media content identification information and a streaming advertisement parameter specifying a position of a streaming advertisement, as claimed.

Independent claim 1 also recites, in part:

in further response to the selection of the link, making, at said user computer, a request for a playlist to a source on a network, said request including the link's streaming media content identification information and the link's streaming advertisement parameter;

The Office Action states (Page 4) that Snyder (Holtz) discloses the above claim element on Page 70, lines 8-22 because this passage discloses a user selecting an icon, and this icon "must include information about the show requested." Applicant respectfully submits that Snyder does not disclose that its icon includes a streaming advertisement parameter that specifies a position of a streaming advertisement. Instead, Snyder discloses that the clips themselves include time codes. Even if Snyder's icons were considered links, Snyder does not teach or suggest that its icons include a streaming advertisement parameter specifying a position of a streaming advertisement.

Gupta does not cure the deficiencies noted above. Gupta provides a user interface that displays annotations, i.e., titles or summaries of video segments, and allows the user to select a segment by the segment's title or summary. According to Gupta, the user can identify the set of annotations to be displayed using a query, and the user interface displays the queried annotations. Gupta fails to even mention making a playlist request at a user computer, and further fails to disclose or suggest a playlist request that includes a streaming advertisement parameter that specifies a position of the streaming advertisement in streaming content, and/or receiving a playlist received in response, which contains a reference identifying media content, either the received playlist or the media content referenced in the received playlist including an indicator that indicates when the streaming advertisement should be played in relation to the media content. Furthermore, nothing in Gupta discloses or suggests the claimed link, which comprises streaming media content identification information and a streaming advertisement parameter, the

streaming advertisement parameter specifying a position of a streaming advertisement in a content stream comprising the streaming media content, and/or responding to a selection of such a link by making a request for a playlist to a source on a network, the request including the link's streaming media content identification information and streaming advertisement parameter; and in response to making such a request the playlist is received, which playlist includes a reference identifying the streaming media content in accordance with the link's streaming media content identification information, the playlist or the content stream including an indicator that indicates when the streaming advertisement should be played in relation to the streaming media content in the content stream in accordance with the link's streaming advertisement parameter.

Since Snyder, Gupta and Abecassis each fail to teach, suggest or disclose the claimed elements of Claim 1, as discussed above, Snyder, Gupta and Abecassis each alone cannot form the basis of a proper § 102 rejection, and no combination of Snyder, Gupta and Abecassis can form the basis of a proper § 103(a) rejection. Claim 1 is therefore believed to be patentably distinct from Snyder, from Gupta and from Abecassis. Claims 2 and 4 to 7 depend from Claim 1 and are believed to be patentably distinct from Snyder, from Gupta, and from Abecassis for at least the same reasons discussed above with respect to Claim 1.

Claim 2 further recites that the receiving of HTML content includes providing the HTML content related to the content stream being experienced in a media player frame in a data frame in response to execution of an embedded command in the content stream. Claim 5 recites that an embedded script command is received in the content stream requested using the references in the playlist. The embedded script command references the remotely-stored HTML content that is related to the content stream requested using the playlist's references and that is being experienced in the browser window. The Office Action states that Snyder discloses these claim elements in page 73, lines 1-24, which describe embedding polling or opinion gathering technologies directed to the content of specific show segments. Applicant respectfully submits that Snyder does not teach or suggest providing HTML content related to a content stream being experienced in a media player frame in response to execution of an embedded command in the content stream, as claimed. The embedded polling or opinion gathering of Snyder is not HTML content related to a content stream being experienced in a media player frame in response to execution of an embedded command. There is no embedded command in Snyder. Instead,

Snyder discloses embedding polling or opinion gathering technologies into a content stream. Snyder does not disclose that its polling or opinion gathering technologies are embedded commands that, when executed, result in HTML content being provided that is related to a content stream being experienced in a media player frame.

Independent Claims 8 and 9, and Claims 10 and 11 which depend from Claim 9, are believed to be patentably distinct over the applied art for at least the foregoing reasons.

Independent Claim 12 recites a method comprising providing a link, the link comprising streaming content identification information and an advertisement placement parameter, the advertisement placement parameter specifying a timing for playing a streaming advertisement in a content stream and specifying which of a playlist and the content stream is to include an indicator of the timing, receiving a request for a playlist from the user computer, the request including the link's streaming content identification information and the link's advertisement placement parameter, building a playlist, the contents of which comprise a reference identifying the streaming content in accordance with the link's streaming content identifier, the link's advertisement placement parameter included in the received request being used to determine which of the playlist and the content stream includes the timing indicator, and transmitting the playlist to the user computer.

Independent Claim 16 recites a method that provides a link, the link comprising a streaming content identification information and advertisement placement information, the advertisement placement information identifying a timing for output of an advertisement relative to the streaming content, receives a request for a playlist from a user computer, the request including the link's streaming content identification information and the link's advertisement placement information, builds a playlist using the link's streaming content identification information and the link's advertisement placement information such that the playlist includes a reference to streaming content, which streaming content has at least one embedded command in accordance with the link's advertisement placement information, the at least one embedded command including advertisement identification information to be processed as the streaming media content is being experienced at said user computer, and transmits the playlist to the user computer, the at least one embedded command identifying the timing for output of the

advertisement relative to the streaming content in accordance with the link's advertisement placement information.

As discussed above, Snyder is limited to collecting content in a bin at the server. Snyder does not build a playlist containing a reference to streaming content that is transmitted to a user computer, and further fails to teach, suggest or disclose such a playlist that has at least one embedded command that includes advertisement identification information to be processed as the streaming content is being experienced at the user computer. Gupta focuses on providing a user interface to display segment annotations so that the user can select a segment by selecting the segment's annotation. Nothing in Snyder, Gupta or Abecassis discloses or suggests the claimed link, which comprises streaming content identification information and an advertisement placement parameter (or advertisement placement information, as recited in Claim 16, receiving a request for a playlist that includes the link's streaming content identification information and advertisement placement parameter, or advertisement placement information, and building a playlist using the link's streaming content identification information and advertisement placement parameter, or advertisement placement information. Furthermore, nothing in Snyder, Gupta or Abecassis discloses or suggests the playlist recited in Claim 12 or in Claim 16, i.e., as recited in Claim 12, the playlist comprises a reference identifying streaming content in accordance with the link's streaming content identifier, the link's advertisement placement parameter included in the request being used to determine which of said playlist and said content stream includes said timing indicator, or the playlist, as recited in Claim 16, which includes a reference to streaming content, the streaming content referenced by the playlist having at least one embedded command including advertisement identification information to be processed as the streaming content is being experienced at the user computer, the at least one embedded command identifying the timing for output of the advertisement relative to the streaming content in accordance with the link's advertisement placement information.

Claim 13, which depends from Claim 12, further recites that information contained in a request for a playlist includes information that identifies a location of information to configure a frame set on a user computer to which the playlist is sent. Snyder's on-demand system focuses on responding to a demand for content by streaming content, and nothing in Snyder teaches,

suggests or describes a request for a playlist, the request including information that identifies a location of information to configure a frame set on a user computer.

In view of the above reasons provided in connection with the claims, both independent and dependent, discussed above, independent Claims 12 and 16, and Claims 13 to 15 (which depend from Claim 12) and Claims 17 to 26 (which depend from Claim 16), are believed to be patentably distinct from Snyder, Gupta and Abecassis.

Since Snyder, Gupta and Abecassis are missing multiple elements of the claims, as discussed above, neither can form the basis of a proper § 102 rejection, and further since they are missing multiple claim elements, they cannot form the basis of a proper § 103(a) rejection. The claims should therefore be patentable over the references.

Furthermore and since Snyder is missing multiple elements of the claims, Holtz, which must necessarily rely on the disclosure of Snyder in order to even be considered to be prior art, cannot form the basis of a proper § 102 rejection, and further cannot form the basis of a proper § 103(a) rejection. Withdrawal of the § 103(a) rejection of the claims is proper, and is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney. Alternatively, since it is believed that the claims of the present application are in condition for allowance, the Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

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